

**HOUSING ELEMENT**  
**AND**  
**FAIR SHARE PLAN**  
**OF**  
**DELAWARE TOWNSHIP**  
**HUNTERDON COUNTY, NEW JERSEY**

Adopted: December 2, 2008

# **HOUSING ELEMENT**

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It is certified that all copies of this document are in conformance with the one signed and sealed by Shirley M. Bishop, P.P., License # 2575

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**DELAWARE TOWNSHIP, HUNTERDON COUNTY  
HOUSING ELEMENT**

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DELAWARE TOWNSHIP  
HUNTERDON COUNTY

HOUSING ELEMENT

PREFACE

Delaware Township in Hunterdon County is primarily a rural township with historic villages, hamlets and farms, with New Jersey's only remaining covered bridge. Approximately 37 square miles, Delaware is located in the west central part of New Jersey along the Delaware River.

The township lies in the southern part of Hunterdon County bordered by the City of Lambertville to the south and the townships of West Amwell, East Amwell, Raritan, Kingwood and Franklin. It surrounds the Borough of Stockton to the West.

Delaware balances its goal of fostering farmland preservation and farm development with its goal of providing a variety of housing to meet its residents' needs as well as affordable housing.

A municipality's Housing Element must be designed to achieve the goal of providing affordable housing to meet the total 1987-2018 affordable housing need comprised of the targeted Growth Share, the Prior Round obligation and the Rehabilitation Share. The regulations of the Council on Affordable Housing (COAH), N.J.A.C. 5:97 et seq., delineate a municipality's strategy for addressing its present and prospective housing needs, and, as such, each municipality's Housing Element must contain the following:

1. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated;
2. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the ten years subsequent to the adoption of the housing element, taking into account, but not necessarily limited to, construction permits issued, approvals for development and probable residential development of lands;
3. An analysis of the municipality's demographic characteristics, including, but not limited to, household size, income level and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing;

6. A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing;
7. A map of all sites designated by the municipality for the production of low and moderate income housing and a listing of each site that includes its owner, acreage, lot and block;
8. The location and capacities of existing and proposed water and sewer lines and facilities relevant to the designated sites;
9. Copies of necessary applications for sewer service and water quality management plans submitted pursuant to Sections 201 and 208 of the Federal Clean Water Act, 33 U.S.C. §1251, et seq.;
10. A copy of the most recently adopted municipal master plan, and where required, the immediately preceding, adopted master plan;
11. For each designated site, a copy of the New Jersey Freshwater Wetlands map where available. When such maps are not available, municipalities shall provide appropriate copies of the National Wetlands Inventory maps provided by the U.S. Fish and Wildlife Service;
12. A copy of appropriate United States Geological Survey Topographic Quadrangles for designated sites; and
13. Any other documentation pertaining to the review of the municipal housing element as may be required by the Council.



## I. INVENTORY OF HOUSING STOCK

### A. Age

More than 34 percent of the township's housing stock was built in 1939 or before. Twenty seven percent of the residential construction occurred between 1970 and 1989. Delaware has a total housing stock of 1,698 units. The median year that a structure was built in Delaware was 1962.

**TABLE 1**

**Age of Housing Units**

<b><u>Dates of Construction</u></b>	<b><u>Structures</u></b>	<b><u>Percent of Total</u></b>
1939 or earlier	578	.34
1940 - 1949	90	.05
1950 - 1959	143	.08
1960 - 1969	177	.10
1970 - 1979	229	.13
1980 - 1989	245	.14
1990 - 1994	103	.06
1995 to March 2000	133	.08
<b>2000 TOTAL UNITS</b>	<b>1,698</b>	<b>98*</b>

*\*Does not add up due to rounding*

*Source: 2000 Census of Population and Housing*

Units built before 1949 and contain 1.01 or more persons per room are highly correlated with substandard housing indicators. This is an index utilized by COAH in determining the Rehabilitation Share. In Delaware Township, 668 units or 39 percent of the housing stock was built before 1949. However, 20 units were overcrowded and explains why Delaware's Rehabilitation Share is eight units.

### B. Condition

Rehabilitation Share is the total deficient housing signaled by selected housing unit characteristics unique to each community. It is assumed that units so indicated will be prime candidates for rehabilitation. Characteristics indicating a need for rehabilitation are:

- (1) *Persons per Room.* 1.01 or more persons per room in housing units built 1949 or before. These are old units that are overcrowded.
- (2) *Plumbing Facilities.* Inadequate plumbing sufficient for rehabilitation is indicated by incomplete plumbing facilities, i.e., lack of hot and cold piped water, flush toilet or bathtub/shower.

- (3) *Kitchen Facilities.* Inadequate kitchen facilities signaling rehabilitation are indicated by the non–presence of kitchen facilities within the unit, or the non–presence of one of three components: a sink with piped water, a stove or a refrigerator.

These characteristics of deficient housing are nationally recognized indicators of housing inadequacy. Each one, properly identified and not double-counted or multiplied is enough to signal the call for unit rehabilitation. This is true not solely because the characteristic specified is itself debilitating but rather signals a unit that is either old or missing a basic component of normal housing services. These characteristics exist at the municipal level, are reported by the U.S. Census such that they can be isolated and not over counted, and individually indicate the need for structure rehabilitation.

The age of Delaware Township’s housing stock has been presented in Table 1. Tables 2 through 4 address the other surrogates of deficient housing.

**TABLE 2**

**Persons Per Room**

<b>Persons Per Room</b>	<b>Occupied</b>	<b>Owner Occupied</b>	<b>Renter Occupied</b>
1.01 to 1.50	4	4	0
1.51 to 2.00	9	9	0
2.01 or more	7	0	7
<b>TOTAL</b>	<b>20</b>	<b>13</b>	<b>7</b>

*Source: 2000 Census of Population and Housing*

**TABLE 3**

**Plumbing Facilities**

	<b><u>Total Units</u></b>
Complete plumbing facilities	1,698
Lacking complete plumbing facilities	0

*Source: 2000 Census of Population and Housing*

**TABLE 4**

**Kitchen Facilities**

Complete kitchen facilities	1,698
Lacking complete kitchen facilities	0

*Source: 2000 Census of Population and Housing*

Based on the above, COAH has determined that Delaware Township has eight housing units that are substandard and occupied by low and moderate income households.

### C. Purchase and Rental Value

Approximately 81 percent of the owner-occupied housing units in Delaware Township had values over \$200,000. The median value was \$293,500.

**TABLE 5**

**Owner-Occupied Housing**  
**Unit Values**

	<u>Units</u>	<u>Percent</u>
Less than \$34,999	0	0
\$35,000 - \$39,999	6	0
\$40,000 - \$49,999	7	0
\$50,000 - \$59,999	0	0
\$60,000 - \$69,999	0	0
\$70,000 - \$99,999	13	.01
\$100,000 - \$124,999	24	.02
\$125,000 - \$149,999	57	.04
\$150,000 - \$174,999	58	.04
\$175,000 - \$199,999	111	.08
\$200,000 - \$249,999	218	.15
\$250,000 - \$299,999	247	.17
\$300,000 - \$399,999	290	.20
\$400,000 - \$499,999	174	.12
\$500,000 - \$749,999	116	.08
\$750,000 - \$999,999	66	.05
\$1,000,000 or more	31	.02
<b>TOTAL</b>	<b>1,418</b>	<b>98*</b>

Median Value                      \$293,500

*Source:    2000 Census of Population and Housing*

*\* Does not add up due to rounding*

Of the 153 rental units with cash rent in Delaware Township, 54 percent were rented for \$1,000 per month or more. The median contract rent was \$1,031 per month.

**TABLE 6**

**Contract Rent Values**

<b><u>With cash rent:</u></b>	<b><u>Units</u></b>
\$0 - \$199	0
\$200 - \$249	9
\$250 - \$299	0
\$300 - \$349	0
\$350 - \$399	0
\$400 - \$449	0
\$450 - \$499	9
\$500 - \$549	9
\$550 - \$599	8
\$600 - \$649	7
\$650 - \$699	0
\$700 - \$749	14
\$750 - \$999	15
\$1,000 - \$1,249	45
\$1,250 - \$1,499	37
\$1,500 - \$1,999	0
\$2,000 - or more	0
<b>Total</b>	<b>153</b>
 No cash rent	 18
 Median contract rent	 \$1,031

*Source: 2000 U.S. Census of Population and Housing*

**D. Occupancy Characteristics and Types**

Eighty-six percent of the housing in Delaware Township is owner occupied. Approximately 14 percent of the housing stock is rental.

**TABLE 7****Tenure and Vacancy**

	<b>Housing Units</b>
Total Occupied	1,641
Occupied:	
Owner Occupied	1,418
Renter Occupied	223
Vacant:	
For rent	11
For sale only	0
Rented or sold, not occupied	15
For seasonal, recreational, or occasional use	31
For migrant workers	0
Other vacant	0

*Source: 2000 Census of Population and Housing*

**E. Units Affordable to Low and Moderate Income Households**

Units are affordable to low and moderate income households if the maximum sales price or rent is set within a COAH specified formula. A moderate income household is a household whose gross family income is more than 50 percent of median income, but less than 80 percent of median income for households of the same size within the housing region. A low income household is a household whose gross family income is equal to or less than 50 percent of median gross household income for a household of the same size within the housing region for Delaware Township. Delaware Township is in Region 3, which encompasses Middlesex, Hunterdon and Somerset counties.

Using current regional income limits adopted by COAH, a four person Hunterdon County median household income is estimated at \$96,700. A moderate income four person household would earn a maximum of \$77,360 (80 percent of regional median) and a four person low income household would earn a maximum of \$48,350 (50 percent of regional median).

Income levels for one, two, three and four person households as of 2008 are given below:

**TABLE 8**

**2008 Low and Moderate Regional Incomes**

<b>Income</b>	<b>1 person</b>	<b>2 persons</b>	<b>3 persons</b>	<b>4 persons</b>
Median	\$67,690	\$77,360	\$87,030	\$96,700
Moderate	\$54,152	\$61,888	\$69,624	\$77,360
Low	\$33,845	\$38,680	\$43,515	\$48,350

*Source: COAH, 2008 Income Limits*

Based on the qualifying formula in N.J.A.C. 5:80-26, the monthly cost of shelter which includes mortgage (principal and interest), taxes, insurance and homeowners or condominium association fees, may not exceed 28 percent of gross monthly household income based on a five percent downpayment. In addition, moderate income sales units must be available for at least three different prices and low income sales units available for at least two different prices. The maximum sales prices must now be affordable to households earning no more than 70 percent of median income. The sales prices must average 55 percent of median income.

Under COAH regulations, rents including utilities, may not exceed 30 percent of gross monthly income. The average rent must now be affordable to households earning 52 percent of median income. The maximum rents must be affordable to households earning no more than 60 percent of median income. In averaging 52 percent, one rent may be established for a low income unit and one rent for a moderate income unit for each bedroom distribution. The utility allowance must be consistent with the utility allowance approved by HUD and utilized in New Jersey.

Delaware currently has six family rental units on the Perimeter site, one family rental at Raven Rock and a six bedroom group home.

## II. PROJECTION OF HOUSING STOCK

### A. Building Permits

According to the New Jersey Department of Labor, Residential Building Permits Issued, 242 new building permits were issued in Delaware from 1990 through 1999. In addition, 153 building permits were issued between 2000 and August 2008.

### B. Future Construction of Low and Moderate Income Housing

Delaware will address the future construction of low and moderate income housing in the Fair Share Plan.

## III. DEMOGRAPHIC CHARACTERISTICS

### A. Population

The population in Delaware Township decreased by one percent between 1990 and 2000. Table 9 illustrates the figures.

**TABLE 9**

**Population**

<b>Year</b>	<b>Population</b>
1990	4,512
2000	4,481

*Sources: 1990 and 2000 Census of Population and Housing*

**TABLE 10**

**Population Characteristics**

**SELECTED POPULATION CHARACTERISTICS**

Forty-seven percent of Delaware Township residents are between the ages of 25 and 54 years.

	<b><u>Number</u></b>	<b><u>Percentage</u></b>
<b><u>TOTAL POPULATION</u></b>	4,481	
<b><u>SEX</u></b>		
Male	2,228	.50
Female	2,253	.50
<b><u>AGE</u></b>		
	<b><u>Male</u></b>	<b><u>Female</u></b>
Under 5 years	104	119
5 to 17 years	397	434
18 to 20 years	59	61
21 to 24 years	81	63
25 to 44 years	581	633
45 to 54 years	469	455
55 to 59 years	183	180
60 to 64 years	86	58
65 to 74 years	166	148
75 to 84 years	76	75
85 years and over	26	27

*Source: 2000 Census of Population and Housing*

**B. Household Size and Type**

A household profile of Delaware Township shows that there were 1,647 households with a total household population of 4,481 in 2000. The average number of persons per household was 2.72.



**TABLE 11****Household Profile 2000**

	<b><u>Total Number</u></b>
Households	1,647
Population of households	4,481
Persons per household	2.72

*Source:* 2000 Census of Population and Housing

**TABLE 12****Household Type and Relationship**

In family households:	4,030
householder:	1,297
Male	1,080
Female	217
Spouse	1,170
child:	1,419
Natural born/adopt	1,354
step	65
grandchild	11
other relatives	43
non-relatives	47
In non-family households:	
householders living alone	246
householders not living alone	96
Non-relatives	102
In group quarters:	7
Institutionalized population	0
Non-institutionalized population	7

*Source:* 2000 Census of Population and Housing

**TABLE 13****Type of Housing Units by Structure**

<b>Units in Structure</b>	<b>Total Units</b>
1, detached	1,608
1, attached	14
2	53
3 or 4	5
5 to 9	5
10 to 19	7
20 to 49	0
50 or more	0
Mobile home or trailer	6
Other	0
<b>TOTAL</b>	<b>1,698</b>

*Source: 2000 Census of Population and Housing*

**C. Income Level**

Approximately, 56 percent of the households in Delaware earn between \$60,000 and \$199,999 according to the 2000 census. The median household income was \$80,756.

**TABLE 14**  
**Household Income**

<b><u>Household Income</u></b>	<b><u>Number</u></b>	<b><u>Percent</u></b>
\$0 –9,999	75	.05
\$10,000-\$14,999	39	.02
\$15,000-\$19,999	34	.02
\$20,000-\$24,999	38	.02
\$25,000-\$29,999	53	.03
\$30,000-\$34,999	42	.03
\$35,000-\$39,999	22	.01
\$40,000-\$44,999	39	.02
\$45,000-\$49,999	43	.03
\$50,000-\$59,999	147	.09
\$60,000-\$99,999	443	.27
\$100,000-\$149,999	330	.20
\$150,000-\$199,999	155	.09
\$200,000 or more	179	.11
<b>TOTAL</b>	<b>1,639</b>	<b>.99*</b>

Median Household Income    \$80,756

*Source: 2000 Census of Population and Housing*

*\*Does not add up due to rounding.*

#### **D. Age**

The age of the Delaware population has been discussed under Section III, Demographic Characteristics, A. Population.

#### **E. Marital Status**

In 2000, there were almost the same number of women as men over the age of 15 years in Delaware. There were 84 more widows than widowers and more divorced males than females.

**TABLE 15**

**Sex by Marital Status - Persons 15 Years and over**

Marital Status	Total	Male	Female
Total	3,618	1,804	1,814
Never Married	769	411	358
Now Married	2,408	1,201	1,207
Widowed	158	37	121
Divorced	283	155	128

*Source: 2000 Census of Population and Housing*

#### IV. EXISTING AND PROBABLE FUTURE EMPLOYMENT CHARACTERISTICS

Of the 2,437 Delaware residents employed in the civilian labor force, 44 percent are in agricultural, construction, manufacturing, wholesale trade, retail trade and transportation fields.

**TABLE 16**  
**Occupation**  
**Employed Persons 16 Years and Over**

	<b>Male</b>	<b>Female</b>	<b>Total</b>
Finance, insurance, real estate	73	104	177
Construction, manufacturing, wholesale trade, retail trade, transportation	766	307	1,073
Information	42	31	73
Arts, entertainment, recreation, accommodation and food services	68	80	148
Professional, scientific and technical services	155	126	281
Educational, health and social services	148	286	434
Public administration	79	84	163
Other services	31	57	88
<b>Total</b>	<b>1,362</b>	<b>1,075</b>	<b>2,437</b>

*Source: 2000 U.S. Census of Population and Housing*

According to the New Jersey State Data Center, Delaware had a covered employment number of 290 in 2003 and 344 in 2006. Delaware has very little commercially zoned land, and nearly all of it is developed. Most of the future employment opportunities in Delaware are likely to be farm-related, with perhaps some very limited growth in government and service sector businesses. The latter operating as home occupations.

**TABLE 17**  
**Employment Characteristics Within Delaware**

<b><u>INDUSTRY</u></b>	<b><u>AVERAGE</u></b>
Construction	20
Manufacturing	23
Wholesale Trade	14
Administrative and Waste Services	9
Other Services, Except Public Administration	12
PRIVATE SECTOR TOTAL	157
FEDERAL GOVERNMENT TOTAL	2
LOCAL GOVERNMENT TOTAL	131

## **V. TOTAL OBLIGATION FOR REHABILITATION AND PRIOR ROUND**

### **A. REHABILITATION SHARE**

Delaware has an eight unit rehabilitation obligation.

### **B. PRIOR ROUND OBLIGATION**

Delaware's obligation from the Prior Rounds is now 23 units.

## **VI. GROWTH SHARE OBLIGATION**

Delaware Township will accept the household and employment projections in Appendix F of the COAH rules. Delaware accepts 227 new households and the 142 new jobs.

## **VII. ANALYSIS OF EXISTING AND FUTURE ZONING TO ACCOMMODATE GROWTH PROJECTIONS**

With the rezoning of the Skyland site, Delaware does not believe it needs additional zoning to accommodate COAH's growth share projections based on the housing options selected.

### **A. Availability Of Existing And Planned Infrastructure:**

At the present time, the township, with one exception, is served by on-lot septic systems for sewage disposal and treatment. The Village of Sergeantsville is served by a public sewage treatment plant with approximately 110 users. Additional units could be added to the system although any significant expansion for service depends on a substantial rebuilding of the plant. No rebuilding is anticipated at this time. Septic systems are expected to continue to serve future residential units. As to water, groundwater is the current source of water supply for the township. Future water supplies depend upon available groundwater for on-lot private wells.

### **B. Anticipated Demand For Types Of Uses Permitted By Zoning Based On Present And Anticipated Future Demographic Characteristics:**

Delaware continues to remain a primarily rural community with increased efforts to guide development away from farmland and open space. There are no new non-residential zones in Delaware and none are anticipated.

### **C. Anticipated Land Use Patterns:**

Delaware does not anticipate a change in land use patterns. Delaware is containing its goal of preserving farmland and open space and encouraging developers to expand setbacks for environmental protection and open space. Delaware is also considering additional public recreation resources for both active and passive recreation.

### **D. Economic Development Policies:**

Existing commercial uses within the villages serve a local purpose and are encouraged to remain as existing uses. Businesses are encouraged to use existing structures that have a previous commercial history and are located within a limited area of the Villages of Sergeantsville and Rosemont. The types of retail sales and services are community oriented in that they serve primarily local residents and not a larger market.

### **E. Constraints On Development:**

1. State and federal regulations: Delaware Township is not within the Highlands Preservation area, CAFRA or the Meadowlands. Part of Delaware is within the Delaware and Raritan Canal Commission zone. As a result, the commission has to approve any development of disturbed land over one acre for both the quantity and the quality of the water. The Delaware sewer plant is within this zone. There are also C-1 stream corridors within the township.
2. Land ownership patterns: Delaware is comprised of approximately 25, 000 acres. Currently there are 5,320 acres of preserved farmland and open space. The preserved land represents 21 percent of the total land area in the township. Approximately 86 percent of the residential units are owner-occupied and 14 percent are rentals.
3. Incompatible land uses: There are no known incompatible land uses.
4. Sites needing remediation: There are no known sites needing remediation.
5. Environmental constraints: All but the central portion of the township has severe limitations for septic suitability largely because of the high water table. Almost the entire township has at least moderate restrictions for septic suitability. As to water, the amount of available groundwater is limited and this in turn could limit additional growth.
6. Existing or planned measures to address any constraints: Delaware will carefully analyze the effects of each new well on the availability of water supply for surrounding properties. New methods of managing infiltration of surface water, including providing adequate stream buffers, appear to hold the promise of restoring and protecting the crucial natural hydrologic system of surface and groundwater.

# **FAIR SHARE PLAN**

**DELAWARE TOWNSHIP,  
HUNTERDON COUNTY**



## **I. PREFACE**

A municipality's affordable housing obligation is cumulative, and includes affordable housing need for the period 1987 to 2018. The affordable housing obligation consists of three components:

- Rehabilitation Share (2000)
- Prior Round Obligation (1987-1999)
- Growth Share (2000-2018)

A municipality's Rehabilitation Share is a measure of old, crowded, deficient housing that is occupied by low- and moderate-income households. Rehabilitation Share numbers from each prior round are replaced with the latest round number because the numbers are updated with each decennial census.

A municipality may receive credit for rehabilitation of low- and moderate-income deficient housing units completed after April 1, 2000 provided the units were rehabilitated up to the applicable code standard, the capital cost spent on rehabilitating a unit was at least \$10,000 and the units have the appropriate controls on affordability to ensure the unit remains affordable during the required period of time.

Rehabilitation credits cannot exceed the Rehabilitation Share and can only be credited against the rehabilitation component, not the new construction component.

The prior round obligation is the municipal new construction obligation from 1987 to 1999. All municipalities participating in the COAH process must use these dated figures. COAH continues to offer credits, reductions, and adjustments that may be applied against the Prior Round Obligation (1987-1999) for affordable housing activity undertaken from 1980 to 1999.

## II. REHABILITATION SHARE

The purpose of a rehabilitation program is to renovate deficient housing units. Deficient housing units are defined as units with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing, (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems. Upon rehabilitation, the housing deficiencies must be corrected and the unit must comply with the applicable code standard.

A municipality must demonstrate that it has the capability to administer a rehabilitation program by either designating an experienced employee to administer the program or entering into an agreement with a governmental agency or private consultant to administer all or some of the program. A municipality must provide the consultant or municipal employee's credentials to administer the program as well as a procedures manual.

Rental units cannot be excluded from a municipal rehabilitation program. There must be at least 10-year affordability controls placed on both owner-occupied units and rental units. For owner-occupied units, these controls may be in the form of a lien filed with the appropriate property's deed. For rental units, the controls must be in the form of a deed restriction and may also include a lien. Units rehabilitated after April 1, 2000 are eligible for credits against the Rehabilitation Share.

The municipal investment for the rehabilitation of a unit must be at least \$10,000 per unit. Documentation must also be submitted demonstrating adequate funding source(s) and a resolution of intent to bond in the event there is a shortfall of funds.

A municipality is also required to prepare and submit a rehabilitation manual to COAH that summarizes the administration of the rehabilitation program including an affirmative marketing plan. The affirmative marketing program must clearly describe the outreach efforts to be used in implementing the program.

**Delaware has an eight unit rehabilitation share and has completed 16 units to date that meet COAH criteria.**

## III. PRIOR ROUND OBLIGATION

COAH has determined that Delaware's Prior Round Obligation is 23 units. With a Rehabilitation Share of eight units, Delaware has a pre-credited need of 31 units.

### *A. Rental Obligation and Rental Bonuses*

The rental component is calculated as follows:

.25 (pre-credited need-prior cycle credits-rehabilitation component)

$$.25 (31-6-8)$$

$$.25 (17) = 4.25$$

Therefore, Delaware has a rental obligation of five units.

*B. Maximum Age-restricted Units.*

A municipality may receive credit for age-restricted units according to the following formula:

$$.25 (\text{pre-credited need-prior cycle credits-rehabilitation credits})$$

$$.25 (31-6-8)$$

$$.25 (17) = 4.25$$

Based on this formula, Delaware is eligible to age-restrict four units for COAH credit.

*C. Regional Contribution Agreement (RCA) Maximum*

A municipality may transfer one-half of its obligation to another willing municipality within the COAH housing region. The formula for calculating the maximum RCA is as follows:

$$.50 (\text{pre-credited need-prior cycle credits-credits pursuant to } \underline{\text{N.J.A.C. 5:93-3.4}})$$

$$.50 (31-6-8)$$

$$.50 (17) = 8.5$$

Based on this formula, Delaware may enter into an RCA not to exceed eight units.

*D. Implementation*

Delaware Township's second round plan was granted substantive certification by COAH on January 10, 1996. Subsequently, Delaware amended its certified plan and COAH certified the amendment on December 6, 2000.

COAH certified the following amended plan:

<b>Project</b>	<b>Type</b>	<b>Number</b>
RCA	Lambertville	5
Group Home (prior cycle)	ALA	6 Bedrooms
NORWESCAP	Age-restricted ALA	9 Bedrooms
NORWESCAP	Bonus	1
NORWESCAP	Handicapped ALA	1 Bedroom
NORWESCAP	Bonus	1
<b>TOTAL</b>		<b>23 Units</b>

1. Delaware received credit for an existing six-bedroom group home for the developmentally disabled that is administered by ARC of Hunterdon County. The facility was opened in 1982 and is considered eligible for prior cycle credits. All documentation is on file with COAH.
2. Delaware entered into a five unit RCA with the City of Lambertville that was approved by COAH. All money has been transferred. All documentation is on file with COAH.
3. NORWESCAP was to construct a 10-unit, municipally sponsored, alternative living arrangement in two homes on property known as the Higgins Farm. (Block 24, Lot 7) The site has a tract area of approximately 2.89 acres and fronts on Higgins Farm Road in the Village of Sergeantsville. One home was to contain five bedrooms that were to be age-restricted. The other home was to contain four age-restricted bedrooms and one bedroom that was to be occupied by a handicapped person. Delaware submitted a proforma and a proposed development schedule with its extension documentation to COAH. In addition, NORWESCAP and Delaware executed an amended agreement that is on file with COAH. NORWESCAP received final approval from the Delaware Township Planning Board on March 15, 2005.

As COAH is aware from previous and voluminous correspondence, this site is no longer viable for development by NORWESCAP. COAH has copies of all correspondence up to and including the Resolution terminating the Agreement with NORWESCAP. This termination occurred because NORWESCAP was in violation of the terms of the Agreement and did not meet deadlines in a timely manner including the actual provision of the 10 shared living bedrooms.

Since COAH recalculated the Rehabilitation Share, which has been addressed by Delaware, the calculations have changed and the number of eligible age-restricted units has decreased substantially.

The following chart illustrates Delaware's Prior Round plan:

<b><u>PROJECT</u></b>	<b><u>TYPE</u></b>	<b><u>NUMBER</u></b>
RCA	Transfer	5
ARC Group Home (1982)	Bedrooms	6
New ARC Shared Senior Home	Bedroom	1
Raven Rock	Family Rental	1
Raven Rock	Rental Bonus	1
Allies Group Home	Bedrooms	3
Allies Group Home	Rental Bonuses	3
Accessory Apartments	Family Rental	3
<b>TOTAL</b>		<b>23</b>

4. The Higgins tract that was to be developed by NORWESCAP will now be developed by the ARC of Hunterdon County. Instead of 10 shared living bedrooms, there will be eight senior shared living bedrooms. One of the eight bedrooms will address the Prior Round obligation and seven will address Growth Share.
5. Raven Rock is a single family home located at 82 Raven Rock Road (a portion of Block 30, Lot 181) within Delaware Township. Hunterdon County owns the property and was leasing the property to the Hunterdon County Housing Corporation (HCHC) for the sole purpose of providing a low and moderate-income rental unit. HCHC was the sole management agent and landlord of this property. However, HCHC is no longer in existence and Delaware will be contracting with a new administrative agent. HCHC placed the appropriate controls on affordability and filed the deed with the restrictive covenant with Hunterdon County ensuring affordability for 30 years. The HCHC documented that the property was raised to code standard and was affirmatively marketed. The rent is consistent with COAH regulations.

As per the November 24, 2004 letter from COAH outlining the requirements for this unit to receive COAH credit, the following documentation was previously filed with COAH:

- a. Executed resolution between Delaware Township and HCHC;
- b. Copy of re-filed deed, that contains 30 year affordability controls;
- c. Statement signed by HCHC that the unit was below code and raised to code standard after rehabilitation;
- d. Statement signed by HCHC that the unit was affirmatively marketed and the rent is consistent with COAH regulations;
- e. Copy of the signed lease that includes statement that HCHC will assume all caretaking and maintenance services and that the occupant is only responsible for normal maintenance of the unit.

The Raven Rock family rental generates one rental bonus credit.

6. A home was purchased at 85 Locktown-Sergeantsville Road (Block 13, Lot 10) by Allies, Inc. to be converted into a three bedroom group home. Originally, Delaware was to provide \$35,000 per bedroom to assist in the creation of the group home. Delaware filed a motion with COAH to utilize development fees and COAH granted the motion with conditions. Instead, Delaware elected to utilize bonding to assist in the creation of the group home bedrooms. All documentation and correspondence is on file with COAH. Delaware Township is reimbursing Allies for the purchase of the home via a bond ordinance. The bond sale is expected to be completed on November 18, 2008. The payment to Allies is to be authorized on November 24, 2008. The Agreement between Allies and Delaware, dated February 28, 2008, is included in the Appendices. The appropriate affordability controls will be in place. The house is being rehabilitated with the rehabilitation expected to be completed within 90 days. Residents are expected to be in place within 30 days after the final inspection. There is both a DDD commitment and a 30-year deed restriction.

The three bedroom group home is eligible for three bonus credits.

7. Delaware is also proposing a total of 10 accessory apartments. Three will address the Prior Round obligation and seven will address Growth Share. The Delaware housing stock lends itself to accessory apartments as the housing stock is primarily rural and consists of large lots with outbuildings that can be converted into accessory apartments. In addition, Delaware has a housing stock that could contain an accessory apartment within an existing home.

Delaware is proposing one accessory apartment a year starting in 2010 through year 2017. The accessory apartments will be available to moderate income households with the group home bedrooms providing the low/moderate income split. All accessory apartments will be affirmatively marketed. Delaware will provide \$20,000 per apartment as a subsidy to encourage homeowners to participate in the program. A 10-year deed restriction will be placed on each unit. There is a letter from Peter Turek, the Delaware Township engineer, regarding compliance with DEP regulations and capacity.

A draft accessory apartment ordinance is included in the Appendices. Delaware expects to fund the accessory apartment program with development fees but if they are not sufficient, Delaware has already included a Resolution of Intent to Bond with its original Third Round Plan that is on file with COAH.

#### IV. GROWTH SHARE OBLIGATION

The Fair Share Plan includes the projects and strategies to address an affordable housing obligation and any municipal ordinance in draft form that a municipality is required to adopt as a requirement of certification. The Fair Share Plan is based upon the municipal fair share obligation developed in the housing element. The planning board adopts the Fair Share Plan and it is endorsed by the governing body prior to the petition for substantive certification. The proposed implementing ordinances may be adopted prior to substantive certification but in any event must be adopted no later than 45 days after COAH grants substantive certification.

The Fair Share Plan consists of a proposal on how a municipality intends to provide for its affordable housing obligation. Once certified, the plan will be monitored by COAH to verify that the construction or provision of affordable housing is in proportion to the actual residential growth and employment growth.

COAH rules have a number of different provisions regulating the development of affordable housing. The options available to meet the 2000-2018 fair share obligation include:

- Municipal zoning
  - Zoning for inclusionary developments
  - Redevelopment districts/sites
- Municipally sponsored new construction and 100 percent affordable developments
- Alternative living arrangements
  - Permanent supportive housing
  - Group homes
  - Congregate / shared housing
  - Residential health care facilities
- Accessory apartments
- Market to Affordable Program
- Municipally sponsored rental program
- ECHO (elder cottage housing opportunities) housing
- Assisted living residences
- Affordable housing partnership program
- Expanded crediting opportunities
- Extension of affordable units with expiring controls
- Age-restricted housing
- Rental housing with bonus credits
- Very low-income housing with bonus credit

A. COAH has given Delaware Township a 54-unit growth share obligation that is now 53 based on exclusions. The rental component is calculated as follows:

.25 (growth share)

.25 (53) = 14 (7 family)

Therefore, Delaware has a 14-unit rental obligation. Only rental units open to the general public over the rental obligation are eligible for bonus credits. Thirteen of the affordable units within Delaware may be age-restricted. Delaware may receive no more than 13 bonus credits. In addition, shared living bedrooms in excess of the rental obligation may receive a .25 bonus credit.

Delaware is proposing the following plan to address its targeted growth share obligation of 53 units:

<b>Project</b>	<b>Type</b>	<b>Number</b>
Perimeter Tract	Family Rentals	6
New ARC Shared Living	Age-Restricted Bedrooms	7
Skylands	Family Rentals	15
Skylands	Rental Bonuses	13
Accessory Apartments	Family Rentals	7
Existing ARC Group Home	Extend Controls	6
<b>TOTAL</b>		<b>54 Units</b>

1. The Perimeter site contains 18.84 acres (Block 39, Lot 24). The owner is Perimeter Properties, LLC. Once completed, the site will contain 16 total units of which 10 will be market rate units and six will be affordable rental units open to the general public. Perimeter Properties, LLC entered into a developer's agreement with Delaware and the six affordable rentals are now built and occupied.

The site is in Planning Area 4 according to the State Development and Redevelopment Plan. Although the site is in PA 4, the site is in an approved sewer service area and sewer will be provided by the Delaware Township Municipal Utilities Authority (DTMUA). The site also has public water.

All of the 18.84 acres are developable except for a small pocket of wetlands at the end of the property that remains as open space. The small pocket of wetlands is at the opposite corner from where the affordable housing is built and occupied.

The Perimeter Tract is not within a designated center. However, the site is consistent with sound planning principles and goals, because the affordable housing is already located within an approved sewer service area and has public water rather than being located outside of a service area.

The site is consistent with the policies and objections of the State Plan in that it is in the public interest to encourage development that is well situated with respect to present public facilities and to discourage development where it may impair or destroy natural resources or environmental qualities that are vital to the health and well-being of the present and future citizens of this state.



Previously, COAH granted a waiver from center designation to a site known as the Higgins Farm in Delaware because it was in an approved sewer service area. Since the six affordable rental units are constructed and occupied, Delaware does not believe a waiver is necessary. However, if a waiver is necessary, the above criteria is offered to justify a waiver.

The site is consistent with Policy 28 Mix of Housing Types because the family rental units will enhance Delaware's fair share plan that already includes a group home, a family rental unit, accessory apartments and a shared, age-restricted alternative living arrangement. Finally, since the affordable housing is built and occupied, there is an integration of different housing types and units of varied costs.

Delaware Township has included this site in the Village Extension Zone and added the following language to the Land Use Section of the Master Plan:

"Areas immediately adjacent to the Village of Sergeantsville within the sewer service district should be developed efficiently at a density compatible with the Village, provided that the layout, design and architecture of such development are complementary to the existing Village and do not undermine its historic character. Any new development in and around the Village of Sergeantsville should include housing affordable to low/moderate income households as a significant component. Zoning amendments to provide for such development should include design and architectural standards to maintain the historic ambience of Sergeantsville.

Lots may exist or may be created in and adjacent to the existing V-1 and V-2 districts encompassing the Villages of Sergeantsville and Rosemont, respectively, on which buildings could be built to accommodate new low and moderate-income housing units. The selection of site conditions and the availability of sewer and/or water infrastructure to support such development. The scale of any buildings that are proposed to be constructed for affordable housing on such lots should be compatible with the scale of existing buildings in the adjacent Village and should be designed to be part of the Village and to maintain its historic ambience."

2. As mentioned under the Prior Round plan, seven of the eight new ARC senior shared living bedrooms will address Growth Share.
3. Also mentioned above were accessory apartments. Delaware is proposing 10 accessory apartments of which seven will address the Growth Share obligation and three will address the Prior Round obligation.
4. As to the existing six bedroom group home, ARC has agreed to extend the controls for 30 years in whatever form that COAH requires. A draft form of agreement is in the Appendices.

5. The owner of a site (Block 15, Lot 1) on Route 12 in Delaware, known as Skyland Estates, is planning a 100 percent affordable family rental development of up to 15 apartments.

Representatives from Skylands and Delaware met with representatives from DEP to discuss infrastructure issues. DEP agreed that Skylands could create three lots, each with five units. Each lot will handle fewer than 2,000 gpd of septic and will be under separate ownership. No further DEP review is necessary. The proposed 15 family rentals will have the appropriate COAH bedroom mix and will meet the 13 percent requirement for very low income, if needed. All units will be affirmatively marketed.

The Skylands site is in Planning Area 4B and will need a waiver from N.J.A.C. 5:97-3.13(b)2. Delaware respectfully requests that COAH grant a waiver based on the Policy 28 Mix of Housing Types that was enunciated for the Perimeter Tract. As noted above, a meeting with DEP confirmed the viability of the site for providing the 15 family rental units, all affordable, because the infrastructure can be accommodated on-site. The developer intends to apply for federal and state funding for the project. A draft form of ordinance for the Skylands site is included in the Appendices.

The waiver request meets the requirements of N.J.A.C. 5:96-15.2(a) because both the Perimeter site and the Skylands site foster the production of affordable housing in that the Perimeter site contains six occupied affordable family rentals and the Skylands site could contain 15 affordable family rentals.

Granting the waiver fosters the intent of, if not the letter of, COAH's rules because the Perimeter site is already in a sewer service area and the Skylands site can support an on-site septic system, according to DEP. Finally, the Delaware plan proposes a mix of housing types ranging from alternative living arrangements to accessory apartments to age-restricted units.